

Appeal Bond

Travelers Casualty and Surety Company of America
One Tower Square 3PB, Hartford, CT 06183
IN CLERKS OFFICE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Cytyc Corporation

Plaintiff(s)

-against-

2005 OCT 21 P 3:47
**J.S. DISTRICT COURT
DISTRICT OF MASS.**
Bond No. 104606865

Index or
Cause No. **NO. 05-10932 (WGY)**

DEKA Products Limited Partnership

Defendant(s)

KNOW ALL MEN BY THESE PRESENTS, that we, **Cytyc Corporation**, as Principal, and **Travelers Casualty and Surety Company of America**, a corporation organized under the laws of the State of Connecticut and authorized to do business in the State of **Massachusetts**, as Surety, are held and firmly bound unto **DEKA Products Limited Partnership**, as Obligee, in the maximum penal sum of **eleven million seventy two thousand nine hundred forty one** Dollars (\$11,072,941.00), lawful money of the United States of America, for which payment well and truly to be made we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

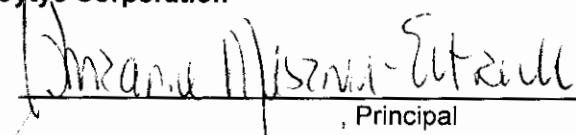
WHEREAS, the Principal has appealed to the **United States Court of Appeals for the First Circuit** from a judgment entered on the 8th day of July, 2005.

NOW, THEREFORE, the conditions of this obligation are such that if the Principal shall prosecute its appeal to a final decision with no further right of review by the First Circuit and the First Circuit either: reverses or vacates the judgment entered by the District Court on the 8th Day of July, 2005, then this obligation shall be void; dismisses the appeal or affirms the judgment entered by the District Court on the 8th day of July, 2005, and the Principal promptly performs and satisfies the judgment, then this obligation shall be void; or modifies the judgment entered by the District Court on the 8th Day of July, 2005, and the Principal promptly performs and satisfies the modified judgment, then this obligation shall be void; otherwise this obligation shall remain in full force and effect.

IN NO EVENT, however, shall the Surety's obligation under this bond exceed the maximum aggregate sum of **eleven million seventy two thousand nine hundred forty one**, (\$11,072,941.00).

SIGNED, SEALED AND DATED this 19th day of October 2005.

Cytyc Corporation
By: _____


, Principal

Travelers Casualty and Surety Company of America
By: _____


Harold Miller Jr., Attorney-in-Fact



IMPORTANT DISCLOSURE NOTICE OF TERRORISM INSURANCE COVERAGE

On November 26, 2002, President Bush signed into law the Terrorism Risk Insurance Act of 2002 (the "Act"). The Act establishes a short-term program under which the Federal Government will share in the payment of covered losses caused by certain acts of international terrorism. We are providing you with this notice to inform you of the key features of the Act, and to let you know what effect, if any, the Act will have on your premium.

Under the Act, insurers are required to provide coverage for certain losses caused by international acts of terrorism as defined in the Act. The Act further provides that the Federal Government will pay a share of such losses. Specifically, the Federal Government will pay 90% of the amount of covered losses caused by certain acts of terrorism which is in excess of Travelers' statutorily established deductible for that year. The Act also caps the amount of terrorism-related losses for which the Federal Government or an insurer can be responsible at \$100,000,000,000.00, provided that the insurer has met its deductible.

Please note that passage of the Act does not result in any change in coverage under the attached policy or bond (or the policy or bond being quoted). Please also note that no separate additional premium charge has been made for the terrorism coverage required by the Act. The premium charge that is allocable to such coverage is inseparable from and imbedded in your overall premium, and is no more than one percent of your premium.

IN WITNESS WHEREOF, TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY have caused this instrument to be signed by their Senior Vice President and their corporate seals to be hereto affixed this 1st day of March 2001.

STATE OF CONNECTICUT

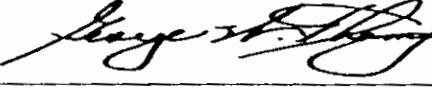
}SS. Hartford

COUNTY OF HARTFORD

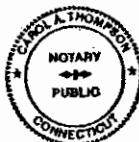
TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
TRAVELERS CASUALTY AND SURETY COMPANY
FARMINGTON CASUALTY COMPANY

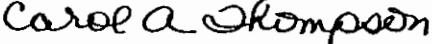


By _____


George W. Thompson
Senior Vice President

On this 1st day of March, 2001 before me personally came GEORGE W. THOMPSON to me known, who, being by me duly sworn, did depose and say: that he/she is Senior Vice President of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, the corporations described in and which executed the above instrument; that he/she knows the seals of said corporations; that the seals affixed to the said instrument are such corporate seals; and that he/she executed the said instrument on behalf of the corporations by authority of his/her office under the Standing Resolutions thereof.




My commission expires December 31, 2002 Notary Public
Carol A. Thompson

CERTIFICATE

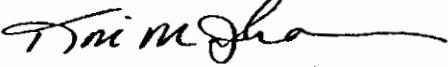
I, the undersigned, Assistant Secretary of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, stock corporations of the State of Connecticut, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked; and furthermore, that the Standing Resolutions of the Boards of Directors, as set forth in the Certificate of Authority, are now in force.

Signed and Sealed at the Home Office of the Company, in the City of Hartford, State of Connecticut. Dated this 19 day of

 October , 20 05



By _____


Kori M. Johanson
Assistant Secretary, Bond

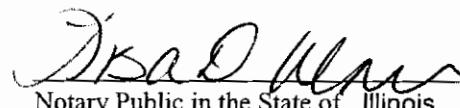
ACKNOWLEDGMENT BY SURETY

STATE OF Illinois _____ }
County of Boone _____ } ss.

On this 19 day of October, 2005, before me personally
appeared Harold Miller Jr., known to me to be the Attorney-in-Fact of
Travelers Casualty and Surety Company of America,
the corporation
that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid County, the day and
year in this certificate first above written.

(Seal)



Notary Public in the State of Illinois
County of Boone